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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 GABRIEL ALLEN ECKARD,

9 Plaintiff,

10 v.

11 PATRICIA THOMAS, et al.,

12 Defendants.

CASE NO. C19-104 RSM

ORDER

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14 This matter is before the Court on Plaintiff's Motion for Denial of Defendant's Summary
15 Judgment Motion Under Rule 56(g) and/or Allow Time for Discovery. Dkt. #37. Plaintiff's
16 Motion, though dated October 12, 2019, was received by the Court on November 12, 2019. *Id.*
17 Therein Plaintiff complains that he has not had an adequate opportunity to conduct discovery and
18 requests that Defendants' motion for summary judgment be denied or that Plaintiff be allowed
19 additional time to conduct discovery. *Id.*

20 The Court need not consider Plaintiff's untimely filing. The filing relates to Defendants'
21 motion for summary judgment which was noted for consideration on November 8, 2019. Dkt.
22 #29. At that time, and in conjunction with being granted a time extension, Plaintiff was advised
23 that he should "file a response to defendant's motion for summary judgment **on or before**
24 **November 1, 2019.**" *Id.* at 2 (emphasis in original). The Honorable United States Magistrate

1 Judge Brian A. Tsuchida has since ruled on Defendants' motion for summary judgment. Dkt.
2 #32. Plaintiff's Motion was untimely at the time the Court received it and the Court will not
3 consider it now.¹

4 Accordingly, Plaintiff's Motion for Denial of Defendant's Summary Judgment Motion
5 Under Rule 56(g) and/or Allow Time for Discovery (Dkt. #37) is DENIED. The Clerk is directed
6 to send a copy of this Order to Plaintiff at his last known address.

7 Dated this 13th day of December 2019.

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9 RICARDO S. MARTINEZ
10 CHIEF UNITED STATES DISTRICT JUDGE
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23 ¹ Even if the Court construed Plaintiff's Motion as seeking another extension of his deadline to
24 respond to Defendants' motion for summary judgment, denial would be appropriate. That
deadline had previously passed, and Plaintiff's Motion makes no attempt to demonstrate that his
failure to respond was due to excusable neglect. *See* FED. R. CIV. P. 6(b)(1)(B).